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SUBJECT: DRC'S OPPOSITION LAW NEARLY READY FOR PLENARY
DEBATE

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¶1. (C) Summary: National Assembly deputies working on the DRC's draft law on the rights and status of the political opposition have nearly completed work on the document, according to several parliamentarians. The law seeks to establish a legal and operational framework for a "positive and constructive" opposition, establishing the rights, responsibilities and representation of the political minority in the government. Deputies have apparently reached a compromise on how the leader of the opposition will be designated and the role such a person will play. The law is expected to be submitted soon to the Assembly's plenary for debate. End summary.

¶2. (C) The National Assembly's Political and Justice (PAJ) Commission is putting the final touches on the DRC's law on the status of the opposition, according to commission members and National Assembly President Vital Kamerhe. In separate meetings with DAS James Swan June 8 in Kinshasa, Kamerhe and MLC deputy Thomas Luhaka said parliamentarians had agreed on the major points of the law, which spells out the rights and responsibilities of the country's political opposition, as well as penalties for those who limit or block the opposition's rights. Both said the commission had reached a compromise as well on one of the law's more contentious points -- the designation and role of the leader of the opposition. The draft law is now expected to be submitted to the National Assembly plenary for debate in the coming days.

¶3. (C) The original draft law was written by PAJ Commission president Delly Sesanga, a member of Jean-Pierre Bemba's MLC party, at the initial urging of Kamerhe. Since early May, commission members have been studying, debating, and refining that draft. An early eight-page version of the law obtained by post lays out a legal and operational framework for the political opposition, granting it certain protections and rights as a "positive and constructive" actor within government institutions. According to the first draft, the opposition has the right to ask for information from the government; to criticize the government and to make counter-recommendations without fear of retribution; and to participate in state institutions where it is represented in proportion to its "political weight." The law further guarantees that the rights of the opposition cannot be suspended or curtailed during a time of crisis.

¶4. (C) Sesanga told PolOff June 11 the language concerning proportional opposition representation in government institutions will not be applied until a new legislature is elected in five years. He said commission members, including opposition deputies, realized it would benefit no one to rearrange the Assembly's executive bureau or to reassign the

leadership of the chamber's permanent commissions. Sesanga added that the concept of proportional representation would only concern the National Assembly and Senate, not ministerial positions.

15. (C) One of the more contentious elements of the law involved the definition, selection and role of the head of the opposition. Sesanga's original draft called for the creation of a "leader" ("chef de file") of the political opposition, who would be the head of the largest opposition party in the National Assembly. (Note: Under this construct, the position would have gone automatically to Bemba. End note.) Alternative propositions sought to identify the opposition leader as the person who received the second-largest number of votes in the presidential election. (Note: Again, Bemba. End note.)

16. (C) According to Kamerhe and Luhaka, deputies have subsequently agreed to compromise language that instead identifies a "coordinator" of the opposition, to be selected by all members of the political opposition in the Assembly and Senate. Independent MPs would not participate in this choice, according to Luhaka. This "coordinator" will reportedly not be restricted to current members of the Assembly or Senate, but he or she must be from one of the parties represented in those institutions. Luhaka said the coordinator will have the role of official opposition spokesman and interlocutor for "consultations" with the government. He explained that opposition members of the parliament would be free to define internal rules and regulations, including the designation of one or more individuals to act in the absence of the opposition coordinator. Kamerhe noted that the occupant will also retain

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official immunity similar to that accorded to a member of parliament during his/her tenure as leader of the opposition. Kamerhe and Luhaka confirmed that the post would be accorded the protocol rank and privileges equivalent to a government Minister of State.

17. (C) The final section of the draft law deals with sanctions against anyone who attempts to limit or revoke the rights of the opposition. Any state official found guilty of committing such acts would be fired and subject to a prison term of eight days to three months and possibly to a fine of USD 1,000. Any government agent found guilty of violence against the opposition would be subject to dismissal and a fine of USD 2,000. Further, anyone found guilty of prohibiting opposition access to government information faces a fine of USD 5,000.

18. (C) Comment: All parties agree that finalizing the law on the opposition is a major legislative goal, one that should be formalized as quickly as possible. While first draft specifics were presumably interwoven with Bemba's political ambitions, legislators are beginning to take steps to separate the two issues. The cooperation displayed by legislators from both the majority and opposition in crafting acceptable language bodes well for other key pieces of critical legislation which will face the Assembly in its next session. The opposition status law, however, is almost exclusively a matter of parliamentary jurisdiction. Most other important pending laws require draft legislation from the executive, adding potential further complexities to political negotiations to define finished legislation. End comment.

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